

Application No.: 10/757,628  
Amendment dated June 6, 2006  
Reply to Office Action of May 19, 2006

### **REMARKS**

No amendments were made to the pending claims. The Applicant respectfully requests reconsideration of the pending claims in view of the Applicant's remarks below.

Claims 1-32 remain pending in this application.

The Applicant acknowledges with appreciation the assistance that Examiner Laura Tso provided in a phone conversation with the undersigned Agent for Applicant held on June 5, 2006. In this phone conversation, Examiner Tso acknowledged the distinctions between the present claims and the art of Bayer discussed below. Examiner Tso requested that the Applicant document these distinctions and the Applicant provides the remarks below concerning Bayer.

Also, Examiner Tso and the Applicant's undersigned Agent reached agreement on the acceptability of the expression "plastic deflection." Examiner Tso requested that the Applicant document their understanding of this expression. The Applicant provides the documentation of the meaning of this expression below.

#### **1. Response to Claim objections due to the term "plastic deflection"**

On page 2 of the Office Action, the Patent Office objected to claims 5, 6, 12, and 14 because of the unclear meaning of the expression "plastic deflection" used in these claims. As discussed in the above referenced phone conversation, the Applicant uses the term "plastic" in the same sense as provided by the following definition provided by the online Wikipedia encyclopedia:

In physics and materials science, **plasticity** is a property of a material to undergo a non-reversible change of shape in response to an applied force. Plastic deformation occurs under shear stress, as opposed to brittle fractures which occur under normal stress. Examples of plastic materials are clay and mild steel. In engineering, this is called yield.  
[[http://en.wikipedia.org/wiki/Plasticity\\_%28physics%29](http://en.wikipedia.org/wiki/Plasticity_%28physics%29)]

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In the context of aspects of the present invention, for example, as recited in claim 5, the expression "plastic deflection" contrasts with "elastic deflection." In elastic deflection, the mounting post substantially returns to its predeflected position by itself after the deflecting force is removed. In contrast, under plastic deflection, the mounting post does not return to substantially its predeflected position after the deflecting force is removed, but remains in a deflected position. For example, in the deflected position, ornaments can be mounted to the post and then the post can be deflected, again plastically, to its undeflected state and the ornaments can be retained by the mounting post and the internal surface of the aperture. This deflection is most clearly illustrated in Figures 3, 4, and 5 of the present specification.

The Applicant believes that the above description addresses the Patent Office's objection to these claims. The Applicant requests that these objections be withdrawn.

**2. Response to Anticipation Rejection based upon Bayer**

On pages 2 and 3 of the Office Action, the Patent Office rejected claims 1, 3, 4, 8-11, 15, 18, 19, and 21-32 under 35 USC 102(b) as anticipated by U.S. Design Patent D 397, 494 of Bayer, et al. [herein "Bayer"]. However, as discussed and agreed with Examiner Tso in the above referenced phone conversation, Bayer does not anticipate these claims. The Applicant requests that these rejections be reconsidered in view of the following observations.

With respect to independent claims 1, 11, 15, and 21, the Applicant submits that Bayer does not disclose a "mounting post having a first end mounted to the frame and a second free end." Clearly, the wire of Bayer extends across the opening in the fixture and is mounted to the fixture at both ends, that is, neither end of the wire of Bayer is "free." This feature of Bayer is most clearly illustrated in Figure 4 of Bayer.

In the Patent Office's "Response to Amendment" that appears on page 4 of the Action, the Patent Office asserts that when the wire of Bayer is "mounted on one end the other end would be free when the ornaments are placed on the wire before the

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second end is attached." However, as discussed in the above-referenced phone conversation, when the wire of Bayer is loosely mounted to one end of the frame of Bayer, if left unattended, the wire and beads of Bayer would simply fall under the force of gravity (for example, as suggested by Figure 4 of Bayer), and, for example, disengage the aperture of the frame. That is, contrary to the inventions recited in these claims. For this reason, the Applicant submits that claims 1, 11, 15, and 21 are not anticipated by Bayer. The Applicant requests that these rejections be reconsidered and withdrawn.

With respect to the rejections of dependent claims 3, 4, 8 -10, 18, 19, and 22-32, the Applicant submits that these claims are not anticipated by Bayer for the same reasons that claims 1, 11, 15, and 21, from which they depend, are not anticipated. The Applicants respectfully request that these rejections be reconsidered and withdrawn.

**3. Response to Obviousness Rejection based upon Bayer**

On pages 3 and 4 of the Office Action, the Patent Office rejected claims 5-7, 12-14, 16, 17, and 20 under 35 U.S.C. 103(a) as obvious in view of Bayer. However, the Applicant respectfully submits that these dependent claims are patentably distinct from Bayer for the same reasons their parent claims are patentably distinct from Bayer. The Applicant respectfully requests that these rejections be reconsidered and withdrawn.

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**4. Conclusions**

The Applicant believes that the above remarks address the objections and rejections that appear in the subject Office Action and place the application in condition for allowance. An early and favorable action on the merits of the application is requested.

Again, the Applicant thanks Examiner Tso for her assistance in advancing this application.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned Agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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